

JEFFERSON COUNTY COMMISSIONERS
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KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
August 5, 2008**

Present: Commissioners Lythgoe and Notbohm; Harold Stepper and Mike Hoffman, County Planners; Tom Harrington, JLDC; Tom Jenkin, South-End Metal Mines Committee; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Dave Kirsch, Alan Arnold,
Absent: Commissioner Weber

MINUTES

Commissioner Lythgoe moved to adopt the minutes of June 17. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of June 25. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of July 1. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of July 8. Commissioner Notbohm seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of July 22. Commissioner Notbohm seconded. The motion carried.

REPORTS

Receipt of July Clerk and Recorder fees report from the Clerk and Recorder's Office.

COMMISSION REPORTS

BUDGET

Commissioner Lythgoe stated that the Commission met last week with Bonnie regarding some budget questions that she had, as well as some small budgets that they discussed figures on.

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TSEP

Commissioner Lythgoe reported that they met with Bonnie, Joe and Great West regarding TSEP matching funds for the upcoming grant cycle. Once the grant is approved, the project can be put off for some time, if matching funds are not available.

HIGHWAY 69 UPGRADE

Commissioner Lythgoe stated that he attended a meeting with MDT and a consultant for Highway 69. They discussed the three alternatives for the project – do nothing, move the road to the other side of the river and build a portion of highway 69 on the county road, or stay on the existing roadway and improve it. Commissioner Lythgoe noted that MDT had a public hearing some time ago that had a very good turnout, and it was very obvious that no one wanted the alternative that would relocate the road. Because of this, that alternative is no longer being considered. They will proceed with the alternative to improve the existing road. Commissioner Notbohm stated that one of the reasons the county was opposed to the second alternative is that if the road was relocated on top of our county road, the county would have to take over maintenance of that section. Commissioner Lythgoe stated that it was not only Boulder residents that were in opposition to alternative 2, but also Fish, Wildlife and Parks, DEQ, the Army Corps of Engineers were also not in favor of that alternative.

MONTANA TUNNELS ADVISORY GROUP

Commissioner Lythgoe reported that he attended a MTAG meeting on Thursday evening. The mine was just giving an update regarding what is happening with mine operation at this time. They have had another good month. They feel that they are very close to having the EIS approved. The EIS has to be approved by BLM and DEQ, and they don't seem to be coordinating together very well. Tim Smith, the mine manager is confident that they are going to be able to put something together, but even after the EIS is approved, they will need to raise \$90 million to move forward with the "M" pit. When the mill went down, it was somewhat of a blessing in disguise, as it extended the mine life of "L" pit, which they are in now. They need to extend the "L" pit out as far as they can, to give corporate an opportunity to raise the money to fund "M" pit. The "L" pit, for this particular mining group, the only revenue-producing source that they have. They have a mine in Canada that it appears they are more interested in, but Tunnels is allowing them to move forward on their other mining operations. He is confident that they are going to all that they can to keep Tunnels operational. When the EIS is approved and they get their funding, it will extend the mine life to 2015 or 2016. He stated that it has been a very frustrating process and has taken its toll on the management.

BIG DIPPER RSID

Commissioner Lythgoe reported that they had a pre-construction meeting on the Big Dipper RSID. The Saddle Mountain RSID has just been completed, with only a small amount of clean-up needed.

SUBDIVISION REVIEW

REQUEST FOR EXTENSION – SUNLIGHT BUSINESS INDUSTRIAL COMMERCIAL MAJOR SUBDIVISION

Harold Stepper, County Planner, presented the request for extension and his staff report for the Sunlight Industrial Park. Harold stated that they are still waiting on DEQ to complete their review. Harold recommended that a one-year time extension be granted. Commissioner Notbohm asked if the fire protection concerns are being addressed. Harold stated that one of the conditions of approval is that they approach the Jefferson Valley Rural Fire District to request annexation. Tom Harrington stated that they have met with Rick Strauss, the Fire Chief, and they are working on annexing the entire subdivision into the fire district. In the interim, Rick has looked at the fire mitigation measures they have in place. Once they reach full build-out, they will have a tank and exterior hydrants that meet the fire code. In the interim, they have the mine pump pond right below the park, which they plan to use as a pump station for Phase I.

Commissioner Notbohm moved to grant a one-year extension to the Sunlight Industrial Park. Commissioner Lythgoe seconded. The motion carried.

PRELIMINARY PLAT APPROVAL – PINE MEADOWS MAJOR SUBDIVISION

Mike Hoffman, County Planner, presented his staff report on this seventeen lot major subdivision south of Montana City. The parcel contains 49.92 acres, proposed to be split into seventeen lots ranging in size from 1.125 to 5.456 acres. Parkland dedication is required, and has been calculated at 1.51 acres. A cash-in-lieu payment in the amount determined by the Department of Revenue will be paid by the developer. The developer has contacted the Clancy Rural Fire District, who has requested an on-site water supply facility. The developer will be required to provide either a 20,000 gallon fire fighting water supply system, designed and certified by an engineer, or the developer will have the option to utilize an one-site hydrant capable of delivering 500 gallons-per-minute using Prickly Pear Creek as the water source. Whichever option is chosen, the fire protection system must be operational year-round, be site-specific, be designed and certified by a licensed engineer and be submitted to Jefferson County prior to final plat.

Mike recommended that preliminary plat approval be granted. Commissioner Lythgoe stated that it appears that the fire protection piece has been taken care of, and that we will not be getting any parkland, but cash-in-lieu. Mike stated that this is correct. Commissioner Notbohm asked for clarification on the fire protection options, if it is an either/or situation. Mike stated that the Fire Department would prefer a hydrant in the creek, if the developer can get the proper permits. If the permits can't be obtained, they will go with the water storage system. The developer stated that they would prefer to go with the recommendation of the Fire Department. They will be applying for several permits, and the hydrant would be placed right behind the fire hall, which would be very convenient for them. Commissioner Notbohm asked if the maintenance of the hydrant would be up to the homeowners after all of the lots are sold. Mike stated that this is correct. Commissioner Notbohm said that this makes him a little nervous; people tend not to get to that type of thing. Commissioner Lythgoe stated that this should be put on the plat. Mike said that typically, the only things listed on the plat are roads and weed maintenance. Commissioner Lythgoe suggested that Mike and Harold look into this. As big an issue as this is, there might be more legal recourse for the County if it were included on the plat, rather than just in the

covenants. If the tank option were to be used, it would be further up in the subdivision; having the hydrant in the creek would be a much better option for the entire area. Commissioner Notbohm's stated that hydrants need to be serviced regularly, or they don't work. Someone needs to be checking on them, because leaving it up to the homeowner's group is iffy.

Harold stated that one of the problems with having the homeowner's association being responsible for the dry hydrant is that they don't have the equipment to back-flush them. It would make more sense to have the fire department do the maintenance. Commissioner Lythgoe stated that it makes all the sense in the world to have the fire departments doing this. They need to sit down and work some of these problems out. Commissioner Lythgoe stated that we need to get this fixed, and he is giving Harold the task to set something up with the fire departments. We are getting more of these systems, and the only ones with the expertise to handle this are the fire departments. Alan stated that he wouldn't mind if there was verbiage in there that it be tested on a periodic basis, just to make sure that it is working properly. Commissioner Lythgoe stated that he doesn't have a problem with the homeowners association being responsible for fixing them, but they don't have the expertise to test it.

Commissioner Notbohm moved to grant preliminary plat approval to the Pine Meadows Major subdivision. Commissioner Lythgoe seconded. The motion carried.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

PRESENTATION OF RECOMMENDATIONS FOR SOUTH-END METAL MINES GRANTS

Tom Harrington presented the metal mines committee input and recommendation report. Two applications were presented vying for the \$17,145.00 left in the grant cycle. Pool Pals requested \$21,652.00 for a heater, bathhouse upgrades and some landscaping. The pool is currently operating in the black and has been a great addition to the community. The Tobacco Root Reveilliers Fyfe and Drum Corp requested \$1,671.16 for uniforms. This organization is showing growth and adding cultural value to the community. They are working on the "Walk through Time" historical event that has the potential to grow. Commissioner Notbohm asked where the people in the group live. Tom Harrington stated that they all live in Whitehall.

The committee's recommendation is that Pool Pals be granted \$15,474.00 for a heater, bathhouse renovations and landscaping. The award should be contingent on presenting a detailed breakdown of costs for the upgrades proposed for the bathhouse, as well as a detailed listing of the matching contributions to ensure a one-to-one match. They further recommended that the Tobacco Root Reveilliers be awarded \$1,671.00 for uniforms.

Commissioner Notbohm stated that there needs to be a detailed accounting of what the money has been spent on. Tom Harrington stated that the Commissioner that sits on the committee must go and confirm that the work has been done or materials purchased before the group receives any money. This works quite well. Commissioner Notbohm asked if there is any money left in this disbursement. Tom stated that the metal mines account has a balance of \$274,414. There is \$200,000 in loans outstanding and \$30,000 in grants due out. They are requesting that the 2009

grant cycle be established at \$25,000.

AMEND RESOLUTION 04-2008 SETTING PER DIEM RATES

Commissioner Lythgoe read the resolution as follows:

**RESOLUTION 04-2008 *AMENDED*
SETTING PER DIEM RATES AND MILEAGE CLAIM**

WHEREAS, the governing body of the County shall, by resolution, establish a per diem rate for mileage reimbursement for in-state and out of state.

WHEREAS, the governing body of the County shall, by resolution, establish rates for in-state and out-of-state meal reimbursements and in-state and out-of state lodging reimbursements.

NOW, THEREFORE, BE IT RESOLVED, the following rates shall be set for reimbursement of mileage and meal reimbursement, and lodging:

Standard mileage will be 58.5 cents per mile up to 1,000 miles, and will be 55.5 cents thereafter.

State lodging rate is \$70 plus tax, other than those specifically listed as high cost areas: Gallatin County, Silver Bow County, Lewis & Clark County, Missoula County, Lake County and Flathead County. Out-of-state lodging rates are subject to the federal per diem rates set by the US General Services Administration by state.

Meal reimbursement shall be as follows:

In-state:

Morning meal, between 12:01 a.m. and 10:00 a.m. is \$5.00
Midday meal, between 10:01 a.m. and 3:00 p.m. is \$6.00
Evening meal, between 3:01 p.m. and 12 midnight is \$12.00

Out-of-state:

Morning meal, between 12:01 a.m. and 10:00 a.m. is \$7.00
Midday meal, between 10:01 a.m. and 3:00 p.m. is \$11.00
Evening meal, between 3:01 p.m. and 12 midnight is \$18.00

DATED this 5th day of August, 2008.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Notbohm stated that as far as the rates go, you wonder where it will all stop; we are spending quite a bit on this now. Commissioner Lythgoe stated that one reason it is important that we stay in line with what the rest of the state and counties are doing is because of our volunteers. The only reimbursement they get is mileage. Commissioner Notbohm stated that he can't disagree with that; it is just getting to be a lot of money.

Commissioner Notbohm moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Commissioner Lythgoe noted that we did get the mill value today. It came in at 26,223, which is a little higher than we had been estimating.

Commissioner Notbohm moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

BONNIE RAMEY

KEN WEBER, CHAIR

CLERK AND RECORDER

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER